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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/667,754

09/22/2003

Kuniya Sonchara

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EXAMINER

MARKOFF, ALEXANDER

ART UNIT

PAPER NUMBER

1746

MAIL DATE

DELIVERY MODE

08/21/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/667,754	Applicant(s) SONEHARA, KUNIYA	
	Examiner Alexander Markoff	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 7-27 is/are pending in the application.
- 4a) Of the above claim(s) 7-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 7-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claims 1-4 and the newly submitted claims 7-27 are not related.

The original claims require feeding booth-circulating water containing paint particles from a paint booth to a first separation tank. The original claims also require adding a dispersing agent and a floatation agent into the first separation tank to form a liquid containing paint particles. The original claims further require feeding the liquid containing paint particles into a second separation tank. The claims further require separation of the referenced liquid into a first liquid containing paint flocculate and a second liquid containing no paint flocculate. The claims further require transferring the referenced first liquid into a foreign matter separation tank to separate foreign matter from the referenced first liquid. The claims further require separating the paint flocculate from the first liquid having been subjected to the foreign matter removal.

None of these steps is required by the newly submitted claims.

The newly submitted claims require feeding dispersing and flotation agents into a first liquid containing paint particles. The claims also require separating a second liquid containing the referenced paint particles floating in the referenced first liquid. The claims further require removing a third liquid containing more paint particles than a remaining liquid. The claims further require removing foreign matter from the third liquid and extracting the paint particles from the third liquid after removing the foreign matter.

None of these steps is required by the original claims.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 7-27 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 07-148451.

JP 07-148451 teaches a method which comprises the claimed steps. See entire document, especially Drawing 1 and the related description.

The method utilizes an apparatus comprising: first separation tank (8), flotation and dispersing agents adding means (11 and 12), first taking out means (13), circulating means (20), second separation tank (9), second taking out means (19, 18), foreign matter separating tank (26), stirring means (38) in the tank (26), foreign matter separating means ((26F), third taking out means (32, 31), and centrifugation paint separation means (27). JP 07-148451 also teaches a method which comprises the claimed steps. See entire document, especially Drawing 1 and the related description.

***Response to Arguments***

4. Applicant's arguments filed 01/02/07 have been fully considered but they are not persuasive.

The applicants allege that the previous Office action rejected claims 1-5 based on Figure 1 in the present application.

The examiner disagrees.

The claims were rejected as anticipated by the teaching of JP 07-148451. The parts of the document were cited. Moreover, the referenced parts of the apparatus were specifically identified.

The applicants further allege that JP 07-148451 does not teach adding dispersing agent and flocculation agents into the tank.

This is not persuasive. In contrast to the applicants allegation the JP document teaches the referenced steps. The referenced agents are added from means 11 and 12. The referenced step and the means are disclosed at least in part [0016].

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any


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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Markoff whose telephone number is 571-272-1304. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Alexander Markoff  
Primary Examiner  
Art Unit 1746

AM

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**PRIMARY EXAMINER**

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